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**ARIZONA CORPORATION COMMISSION**

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November 28, 2005

Chairman Hatch-Miller  
Commissioner Spitzer  
Commissioner Gleason  
Commissioner Mayes  
Parties of Record

Re: Accipiter Complaint; T-03471A-05-0064;

Dear Colleagues and Parties to the Docket:

I have read Commissioner Mayes' November 18, 2005 letter and I concur that the Settlement Agreement between Cox and Vistancia Communications should be made public. I also feel that it is in the public interest to hold a hearing on the Settlement Agreement.

Commissioner Mayes suggested in her letter that the details of the Settlement Agreement, as well as new evidence uncovered by Commission Staff, be included in the generic docket on preferred provider agreements. I agree. I would also suggest that this information be included in the generic docket on the state of competition in Arizona telecommunications markets.

When I initially requested that this Commission open a docket to examine telecom competition, I wanted to include a discussion of such "exclusive service arrangements" and whether they potentially hold the customer captive to a deal in which only the developer and the phone company benefit. A secret settlement is not conducive to this Commission's consideration of the broader issue – what is good for competition and consumers in Arizona.

That is why I agree that a hearing is necessary before the Settlement can be approved. It is important that this Commission thoroughly scrutinize this Settlement in order to ensure that it is in the best interest of the people of Arizona.

Sincerely,

William A. Mundell, Commissioner  
Arizona Corporation Commission

cc: Brian McNeil  
Ernest Johnson  
Lyn Farmer  
Chris Kempley  
Heather Murphy

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